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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KAREL SPIKES,

Plaintiff,

vs.

TEPI-NORTE MEX CITY; FRANCISCO  
CHAVEZ; CHRISTINA CHAVEZ; ROBERTO  
BARNET dba OLD COTIJAS and DOES 1  
THROUGH 10, Inclusive,

Defendants.

Case No.: CV 08 CV 0454  
H (LSP)

NOTICE OF DISMISSAL AND  
DISMISSAL OF COMPLAINT  
**WITHOUT** PREJUDICE

[F.R.Civ.P. Rule 41  
(a)(1), (2)]

Plaintiff, KAREL SPIKES, (hereinafter referred to as  
"SPIKES"), hereby requests that, pursuant to Federal Rules of  
Civil Procedure, Rule 41(a)(1) and (2), this Court enter a  
dismissal **without** prejudice of Plaintiff's Complaint in USDC Case  
No. 08 CV 454 H (LSP) in it's entirety. SPIKES further requests  
that the Court order that parties shall bear his, her and/or its  
own costs and fees.

DATED: 8/14/08

By: AMY B. VANDEVELD

LAW OFFICES OF AMY B. VANDEVELD  
AMY B. VANDEVELD, Esq.  
Attorney for Plaintiff

PROOF OF SERVICE

I, the undersigned, declare that: I am authorized to serve the following document(s) in the within action pursuant to F.R.Civ.P. 4(c) and that the documents were served on today's date as follows:

1. Case Name/USDC Number:  
**Spikes v. Tepi Norte Mex-City. et. al.**  
**USDC No.: 08 cv 0454 H (LSP)**
2. Document(s) served:  
**NOTICE OF DISMISSAL AND DISMISSAL OF COMPLAINT WOTHOUT PREJUDICE**
3. Person(s) served/Place of service:  
**Benjamin Martinez**  
**TEPI NORTE**  
**1617 Woodville Ave**  
**Chula Vista, CA 91913-1577**  
**Defendant**
4. Manner of Service:

\_\_\_\_ (a) Personal Service: By handing copies of the document(s) to the person served [F.R.Civ.P. 5(b)(2)(A)].

✓ (b) Service by Mail: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid, at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in the affidavit. [F.R.Civ.P. 5(b)(2)(B); Cal. Code of Civil Procedure, Sections 1013a, 2015]

\_\_\_\_ (c) Facsimile Transmission: From Fax No. (619) 231-8329 to the facsimile number(s) listed on this proof of service. The facsimile machine I used complied with Rule 2003(3), and no error was reported by the machine. [[F.R.Civ.P. 5(b)(2)(D)].

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct.

Executed On: 8/15/08

By: *Laurie Miller*  
LAURIE MILLER